

ESTTA Tracking number: **ESTTA767892**

Filing date: **08/31/2016**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

## Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

### Opposer Information

Name	Rangers Baseball LLC
Granted to Date of previous extension	09/04/2016
Address	1000 Ballpark Way Arlington, TX 76011 UNITED STATES
Attorney information	Robert J. English Cowan, Liebowitz & Latman, P.C. 114 West 47th Street New York, NY 10036 UNITED STATES rje@cll.com, mlk@cll.com, tay@cll.com, njh@cll.com, trademark@cll.com Phone:212-790-9200

### Applicant Information

Application No	86404386	Publication date	03/08/2016
Opposition Filing Date	08/31/2016	Opposition Period Ends	09/04/2016
International Registration No.	NONE	International Registration Date	NONE
Applicant	BACARDI & COMPANY LIMITED 5 AEULESTRASSE 9490 VADUZ, LIECHTENSTEIN		

### Goods/Services Affected by Opposition

Class 033. First Use: 0 First Use In Commerce: 0  
All goods and services in the class are opposed, namely: Alcoholic beverages except beers; tea distilled spirit drink

### Grounds for Opposition

Other	see attached pleading
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Attachments	T TANG - Letter to Commissioner.pdf(49844 bytes ) T TANG - NOO.pdf(52871 bytes )
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## Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Robert J. English/
Name	Robert J. English
Date	08/31/2016



Cowan, Liebowitz & Latman, P.C.  
114 West 47<sup>th</sup> Street  
New York, NY 10036  
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**Robert J. English**  
(212) 790-9215  
rje@cll.com

August 31, 2016

**By Electronic Filing**

Commissioner for Trademarks  
Attn: TTAB  
P.O. Box 1451  
Alexandria, VA 22313-1451

Re: Major League Baseball Properties, Inc.  
Notice of Opposition Against  
Bacardi & Company Limited  
Application to register  
**T TANG and Design**  
Ref. No. 21307.036

Dear Commissioner:

We enclose a Notice of Opposition against Application Serial Number 86/404,386, published in the Official Gazette on March 8, 2016. Contemporaneously with the electronic filing of this Notice of Opposition, we are arranging for an electronic payment in the amount of \$300 to cover the filing fee.

If the amount received is insufficient and additional fees are required, please charge our Deposit Account No. 03-3415.

Please address all future correspondence to the attention of Mary L. Kevlin of Cowan, Liebowitz & Latman, P.C.

Respectfully submitted,

/Robert J. English/  
Robert J. English

Enclosures

cc: Ms. Diane Kovach (w/encs.)  
Mary L. Kevlin, Esq. (w/encs.)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In re Application Serial No. 86/404,386  
Filed: September 24, 2014  
For Mark: T TANG and Design  
Published in the Official Gazette: March 8, 2016

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RANGERS BASEBALL LLC,	:
Opposer,	:
	:
v.	:
	:
BACARDI & COMPANY LIMITED,	:
Applicant.	:
	:
-----X	

Opposition No.

**NOTICE OF OPPOSITION**

Commissioner for Trademarks  
Attn: Trademark Trial and Appeal Board  
P.O. Box 1451  
Alexandria, VA 22313-1451

Opposer, Rangers Baseball LLC (“Opposer”), a Delaware limited liability company with offices at 1000 Ballpark Way, Arlington, Texas 76011, believes that it will be damaged by registration of the mark T TANG and Design, as depicted here:



("Applicant's Mark") for “alcoholic beverages except beers; tea distilled spirit drink” as shown in Application Serial No. 86/404,386 (the “Application”), and having been granted extensions of time to oppose up to and including September 4, 2016, hereby opposes the same.

As grounds for opposition, it is alleged that:

1. Opposer is the owner of the renowned TEXAS RANGERS MAJOR LEAGUE BASEBALL club (the “Club”).

2. Since long prior to September 15, 2014, Applicant’s claimed priority date, Opposer and its predecessors, and their affiliated and related entities, licensees and/or sponsors have used marks consisting of a distinctive stylized letter T, alone or with other word, letter and/or design elements, including, without limitation, the following marks:



(“Opposer’s Marks”), in connection with baseball games and exhibition services and a wide variety of goods and services, including, but not limited to, beverages, including wine and other alcoholic beverages; beverageware; food and beverage services; apparel; paper goods and printed matter; toys and sporting goods; and novelty items.

3. Opposer owns United States federal registrations for Opposer’s Marks in International Classes 6, 9, 14, 16, 18, 21, 24, 25, 28, 41; namely, Registration Nos. 1,216,139; 1,281,505; 1,291,200; 1,481,113; 1,608,247; 1,838,549; 1,862,567; 1,936,820; 2,577,703; 3,295,146; 3,295,147; 3,295,154; 3,295,155; 3,295,156; 3,295,157; 3,320,503; 3,357,405; 3,649,095; 3,769,340 and 3,957,167. Registration Nos. 1,281,505; 1,291,200; 1,481,113; 1,608,247; 1,838,549; 1,862,567; 3,295,146; 3,295,147; 3,295,154; 3,295,155; 3,295,156; 3,295,157; 3,320,503; 3,357,405; 3,649,095 and 3,769,340 are incontestable. Registration Nos. 1,936,820 and 2,577,703 are partially incontestable.

4. Since long prior to September 15, 2014, Applicant's claimed priority date, Opposer and its predecessors, and their affiliated and related entities, licensees and/or sponsors have promoted and advertised the sale and distribution of goods and services bearing or offered in connection with Opposer's Marks, including, but not limited to, baseball games and exhibition services and a wide variety of goods and services, including, but not limited to, beverages, including wine and other alcoholic beverages; beverageware; food and beverage services; apparel; paper goods and printed matter; toys and sporting goods; and novelty items, and have offered such goods and rendered such services in commerce.

5. As a result of the sales and promotion of its goods and services bearing or offered in connection with Opposer's Marks, Opposer has built up highly valuable goodwill in Opposer's Marks, and said goodwill has become closely and uniquely identified and associated with Opposer.

6. On September 24, 2014, Applicant filed the Application, based on a Liechtenstein registration, on the basis of Section 44(e), to register Applicant's Mark for "alcoholic beverages except beers; tea distilled spirit drink."

7. Upon information and belief, Applicant did not use Applicant's Mark for the goods covered in the Application in United States commerce prior to its claimed priority date of September 15, 2014.

8. The goods covered by the Application are identical and/or closely related to the goods offered and services rendered in connection with Opposer's Marks.

9. Applicant's Mark has as its dominant portion a stylized letter T that is virtually identical to the stylized letter T depicted in Opposer's Marks that the Club has long used as shown below:

One of Opposer's Marks



The T Element in Applicant's Mark



10. Applicant's Mark so resembles Opposer's Marks as to be likely, when used in connection with Applicant's goods, to cause confusion, to cause mistake, and to deceive the trade and public, who are likely to believe that Applicant's goods have their origin with Opposer and/or that such goods are approved, endorsed or sponsored by Opposer or associated in some way with Opposer. Opposer would thereby be injured by the granting to Applicant of a certificate of registration for Applicant's Mark.

WHEREFORE, Opposer believes that it will be damaged by registration of Applicant's Mark and requests that the opposition be sustained and said registration be denied.

Please recognize as attorneys for Opposer in this proceeding Mary L. Kevlin, Richard S. Mandel and Robert J. English (members of the bar of the State of New York) and the firm Cowan, Liebowitz & Latman, P.C., 114 West 47<sup>th</sup> Street, New York, New York 10036.

Please address all communications to Robert J. English, Esq. at the address listed below.

Dated: New York, New York  
August 31, 2016

Respectfully submitted,

COWAN LIEBOWITZ & LATMAN, P.C.  
Attorneys for Opposer

By: /Robert J. English/

Mary L. Kevlin  
Richard S. Mandel  
Robert J. English  
114 West 47<sup>th</sup> Street  
New York, New York 10036  
(212)790-9200



CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on August 31, 2016, I caused a true and correct copy of the foregoing Notice of Opposition to be sent via First Class Mail, postage prepaid, to Applicant's attorney and Correspondent of Record John P. Murtaugh, Esq., Pearne & Gordon LLP, 1801 E 9th St., Ste 1200, Cleveland, Ohio 44114-3108.

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/Robert J. English/  
Robert J. English